United Nations PCNICC/2001/L.3

Preparatory Commission for the International Criminal Court

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Proceedings of the Preparatory Commission at its eighth session (24 September-5 October 2001)

Draft summary

Rapporteur: Mr. Salah **Suheimat** (Jordan)

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, met at United Nations Headquarters from 24 September to 5 October 2001, in accordance with General Assembly resolution 55/155 of 12 December 2000.

2. In accordance with paragraph 2 of resolution F of the Conference, the Preparatory Commission consists of representatives of States which signed the Final Act of the Conference and other States which were invited to participate in the Conference.

3. Under paragraph 4 of General Assembly resolution 55/155, the Secretary-General was requested to reconvene the Preparatory Commission, in accordance with resolution F of the Conference, from 26 February to 9 March and from 24 September to 5 October 2001, so as to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court.

4. In accordance with paragraph 6 of General Assembly resolution 55/155, the Secretary-General invited, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also invited as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

5. Under paragraph 7 of the same resolution, non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary

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and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates.

6. The Bureau of the Preparatory Commission, which was elected at its 1st and 2nd meetings, on 16 and 22 February 1999, continued its work, with the following composition:

Chairman:
Philippe Kirsch (Canada)

Vice-Chairmen:
George Winston McKenzie (Trinidad and Tobago)
Medard R. Rwelamira (South Africa)
[...]

Rapporteur:
Salah Suheimat (Jordan)

7. At its 30th plenary meeting, on 24 September 2001, the Preparatory Commission was informed that Muhamed Sacirbey (Bosnia and Herzegovina) was no longer available to act as Vice-Chairman of the Commission.

8. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Václav Mikulka, acted as Secretary of the Preparatory Commission. The Codification Division provided the substantive servicing for the Commission.

9. At its eighth session, the Preparatory Commission proceeded with its work on the basis of its agenda (PCNICC/1999/L.1), which had been adopted on 16 February 1999.

10. In accordance with the decision taken at its 29th meeting, on 9 March 2001, the Preparatory Commission agreed on a work plan for its eighth session, which provided for the consideration of seven items: the Relationship Agreement between the Court and the United Nations; the Financial Regulations and Rules of the Court; the Agreement on the Privileges and Immunities of the Court; the Rules of Procedure of the Assembly of States Parties; the crime of aggression; the basic principles of the headquarters agreement to be negotiated between the Court and the host country; and the first-year budget. At the same meeting, the Preparatory Commission also decided to establish working groups on the last two items.

11. The coordinators for the first five items, who had been designated by the Chairman, in consultation with the Bureau, at the sixth and seventh sessions of the Preparatory Commission, continued their work during the eighth session, as follows:

(a) Cristian Maquieira (Chile), Coordinator for the Relationship Agreement between the Court and the United Nations;

(b) Georg Witschel (Germany), Coordinator for the Financial Regulations and Rules of the Court;

(c) Phakiso Mochochoko (Lesotho), Coordinator for the Agreement on the Privileges and Immunities of the Court;

(d) Saeid Mirzaee-Yengejeh (Islamic Republic of Iran), Coordinator for the Rules of Procedure of the Assembly of States Parties;

(e) Silvia Fernández de Gurmendi (Argentina), Coordinator for the crime of aggression.

12. At its 30th meeting of the Preparatory Commission, on 24 September 2001, the Chairman, following consultations with the Bureau, designated Zsolt Hetesy (Hungary) as Coordinator of the Working Group on the Principles Governing a Headquarters Agreement and Rolf Fife (Norway) as the Coordinator of the Working Group on the First Year Budget.

13. At its 33rd meeting, on 5 October 2001, the Preparatory Commission adopted its report on its sixth to eighth sessions (PCNICC/2001/-), containing the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.

14. At the same meeting, the Preparatory Commission took note of the oral reports of the coordinators of the working groups on the Crime of Aggression, the Principles Governing a Headquarters Agreement, and the First-Year Budget. For ease of reference of delegations, the Commission requested the Secretariat to prepare a document on the basis of the oral reports of the coordinators and to annex it to the proceedings of the eighth session.

15. At the 31st meeting, on 25 September 2001, His Excellency Jozias J. van Aartsen, Minister for Foreign Affairs of the Netherlands, made a statement (PCNICC/2001/INF/3) to the Commission on the preparatory work that the Government of the Netherlands was undertaking for the establishment of the Court. The Commission took note of the statement.

16. At the 32nd meeting, on 1 October 2001, Zsolt Hetesy, focal point for general issues, introduced a road map (PCNICC/2001/L.2), which had been prepared by the Bureau, to identify the issues that remained to be addressed by the Preparatory Commission in order to facilitate the speedy and effective establishment of the Court.

17. At the same meeting, the Preparatory Commission was addressed by Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda, and Hans Holthuis, Registrar of the International Tribunal for the Former Yugoslavia.

18. The Preparatory Commission noted with satisfaction that during its eighth session, 18 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission. The International Human Rights Law Institute of DePaul University (United States of America) provided accommodation to delegates from the least developed countries that attended the session.

19. The list of documents relating to the items considered at the eighth session and remaining on the work plan of the Commission is contained in annex I to the present document.